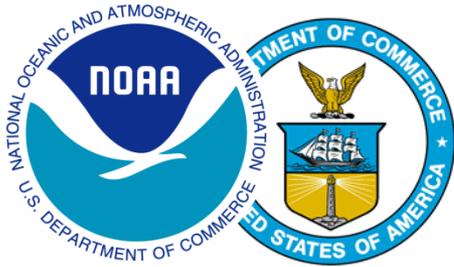


National Standard 2 guidelines

Update on NS2 revision

William Michaels

NMFS Office of Science and Technology

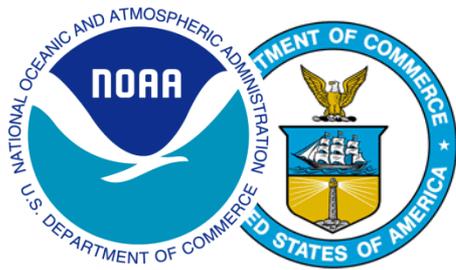


National Standard 2



Why revise existing NS2?

- **MSA § 301 (a)(2) Conservation and management measures shall be based upon the **best scientific information available**.**
- **50 CFR 600.315 National Standard 2 – **Scientific Information**.**
 - ✓ **Best scientific information available (BSIA)**
 - used throughout MSRA, NS2 should clarify BSIA.
 - ✓ **Peer review standards**
 - important aspect of BSIA, but missing in NS2.
 - ✓ **Role of SSC in review process**
 - MSRA increases SSC responsibilities for the review of scientific information, but missing in NS2.
 - ✓ **SAFE report requirements**
 - exists in NS2 and some clarification needed.

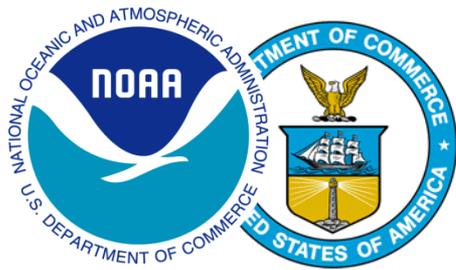


National Standard 2

Update on NS2 revision



- National Standard 2 (NS2) work group established Jan 2008.
- Advanced Notice of Public Rulemaking (ANPR) in Sept 2008.
- ANPR public comments received in Dec 2008.
Today's objective is to present highlights of ANPR comments.
- NS2 work group presently drafting NS2 proposed rule.
Note – please do not ask questions regarding proposed rule.
- Plan to publish NS2 proposed rule around April 2009, depending on clearance process.
- Plan to publish NS2 final rule around the end of 2009.



National Standard 2

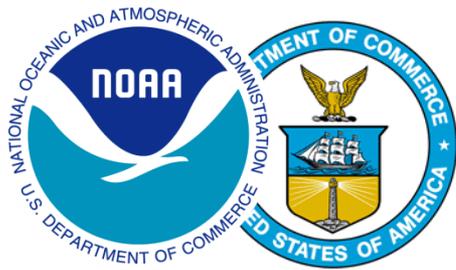
NS2 work group



includes various regional and interdisciplinary expertise

- **William Michaels (F/ST, Chair)**
- **Stewart Allen (PIFSC) ***
- **James Berkson (SEFSC) ***
- **Elizabeth Clarke (NWFSC)**
- **Ramon Conser (SWFSC) ***
- **George Darcy (NERO)**
- **Gerald DiNardo (PIFSC)**
- **Martin Dorn (AFSC) ***
- **Ronald Felthoven (AFSC)**
- **Peter Fricke (F/SF)**
- **Thomas Gleason (NOAA GC)**
- **Patricia Livingston (AFSC) ***
- **Heidi Lovett (HQ F/AAO)**
- **Richard Methot (NWFSC F/ST)**
- **Stacey Miller (NWFSC)**
- **Clarence Porch (SEFSC)**
- **James Weinberg (NEFSC)**
- **Erik Williams (SEFSC) ***

** current SSC members*



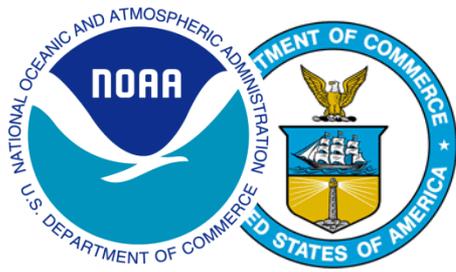
National Standard 2

ANPR announcement



Advanced Notice of Public Rulemaking (ANPR)

- **Federal Register Vol. 23, no. 182 (September 18, 2008)**
- **Comments solicited during 3 months (until 12/17/2008)**
- ***ANPR comments posted at www.regulations.gov***
Docket No. 0808041047-81182-01, RIN 0648-AW62



National Standard 2

ANPR public submissions



23 public submissions (approximately 175 pages of comments)

Commercial & Recreational Fishers/Industry

- DSFI
- CWP, SEFA, WCSP by HSGB
- GSSA
- FSF by KDW
- NACO

Regional Fishery Management Councils

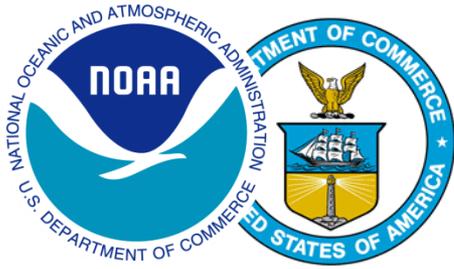
- NEFMC
- NPFMC
- SAFMC
- NPFMC

Environmental Community

- CBD
- MCA
- NRDC
- PEW
- CRE
- MFCN
- OC
- WWF
- EDF

Government agencies

- MMC
- PRDNER
- NMFS
- NCDENR



National Standard 2

Best scientific information available (BSIA)



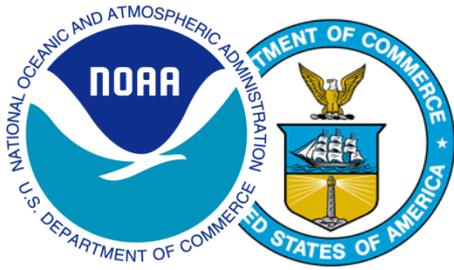
MSA § 301 NATIONAL STANDARDS FOR FISHERY CONSERVATION AND MANAGEMENT

(a)(2) Conservation and management measures shall be based upon the *best scientific information available*.

50 CFR Subpart D 600.315 National Standard 2 – Scientific Information.

(a)National Standard 2. Conservation and management measures shall be based upon the *best scientific information available*.

National Research Council (NRC 2004) Improving the use of the “*best scientific information available*” standard in fisheries management.

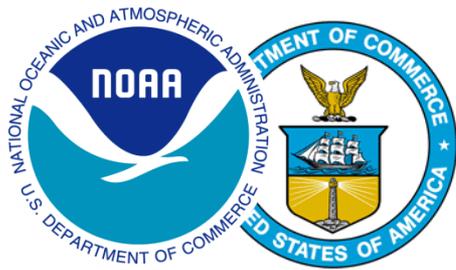


National Standard 2

ANPR highlights on BSIA



- **Most comments recommended NS2 clarification on BSIA based on NRC (2004) guidance.**
- **There were no comments against NS2 clarification on BSIA.**
- **Most comments recommended against an overly prescriptive or statutory BSIA definition to accommodate dynamic scientific information, as suggested by NRC (2004).**
- **Most comments recommended flexibility in BSIA guidance to accommodate “best” vs “available”, and data poor situations.**



National Standard 2

Peer review standards



Information Quality Act (Public Law 106-554)

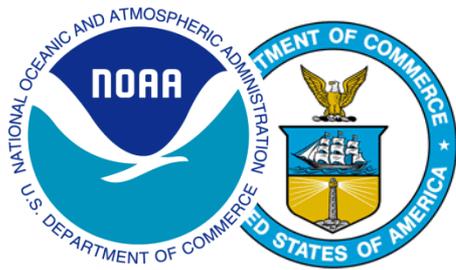
- *enhance the quality and credibility of ... scientific information*

OMB Final Information Quality Bulletin for Peer Review (70 FR 2664)

- *establishes minimum peer review standards*
- *adapts the National Academy of Sciences policy*

Peer review is defined as “a form of deliberation involving an exchange of judgments about the appropriateness of methods and the strengths of the author’s inferences” (OMB 2004)

Note – peer review criteria are not in existing NS2

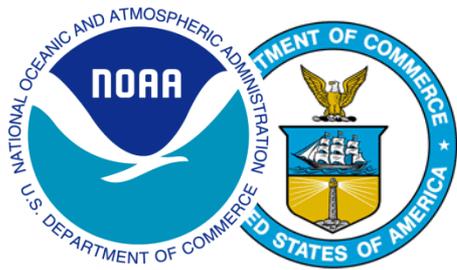


National Standard 2

ANPR highlights on peer review



- **Most comments recommended NS2 should not create a new standardized peer review to maintain flexibility in the use of existing peer review processes (*SARC, SEDAR, STAR, WPSAR*).**
- **Most comments recommended NS2 should provide peer review standards in accordance with OMB peer review policy.**
- **Recommendations requested NS2 clarification on the type of peer reviews (internal vs external) based on OMB guidance for “highly influential” scientific assessments.**



National Standard 2

SSC role in review process



MSA § 301 NATIONAL STANDARDS FOR FISHERY CONSERVATION AND MANAGEMENT

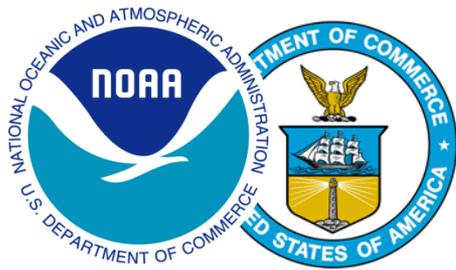
(b) GUIDELINES._ The Secretary shall establish advisory guidelines ...

MSA § 302 REGIONAL FISHERY MANAGEMENT COUNCILS

(g)(1)(A) Each council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and *peer review* ...

(g)(1)(E) The Secretary and each Council may establish a *peer review* process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements ...

Note – role of SSC in review process is not in existing NS2

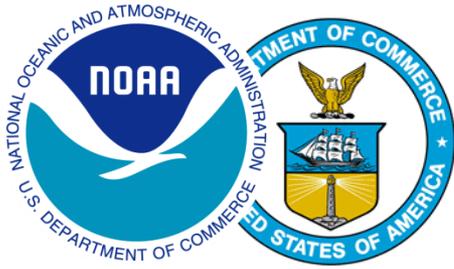


National Standard 2

ANPR highlights on SSC role in review process



- **Comments recommended NS2 clarification in role of SSC with the review process of scientific information.**
- **Comments recommended the NS2 support the existing MSA requirements that the Council maintain the SSC, and the SSC functions as the Council's advisory committee (there's overlap in regard to comments pertinent with NS2, NS1, and SOPPs).**
- **Comments recommended the SSC should assist in NMFS peer review processes (e.g., advice on ToR and priorities, panel review participation).**



National Standard 2

SAFE Report



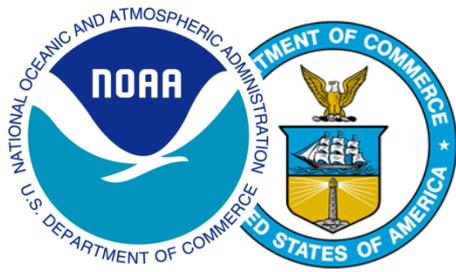
CFR Subpart D 600.315 National Standard 2 – Scientific Information

(3)(e) SAFE Report: (1) The SAFE report is a document or set of documents that provides Councils with a summary of information...

(3)(e)(i) The Secretary has the responsibility to assure that a SAFE report or similar document is prepared, reviewed annually, and changed as necessary for each FMP.

(3)(e)(ii) The SAFE provides information to the Council ...

(3)(e)(iii) Each SAFE report must be scientifically based ...

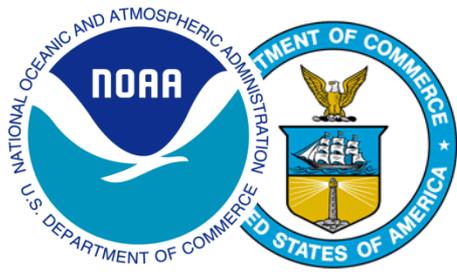


National Standard 2

ANPR highlights on SAFE Report



- **Most comments recommend maintaining existing NS2 language on SAFE reports, with some further clarification.**
- **Comments recommended NS2 should provide standards for SAFE report format and contents.**
- **Comments recommended NS2 specify SAFE report transparency and public availability.**



National Standard 2

What's next?



- **NS2 Work Group have considered ANPR comments.**
- **NS2 Work Group has begun drafting proposed rule.**
- **The goal is to publish the NS2 proposed rule in April 2009, depending in clearance process.**

Questions on existing NS2 or ANPR?

Please, we can not discuss draft NS2 proposed rule.